

# Attachment II – Useful Information for Processing of M&P and VS Word-for-Word Identical Adopter and M&P Minor Modifier Placeholder Applications

Complete every applicable item

1 Enter amount of user fee submitted \$ \_\_\_\_\_

2a Name of applicant \_\_\_\_\_

Address (number, street, room or suite no.) (If P.O. box, see instructions) \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3a Name of person to be contacted \_\_\_\_\_

2b Employer identification number of applicant  
\_\_\_\_\_ - \_\_\_\_\_ - \_\_\_\_\_

2c Applicant's telephone no.  
(\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

3b Telephone number  
(\_\_\_\_\_) - \_\_\_\_\_ - \_\_\_\_\_

3c If a power of attorney is attached, check the box ► ☐

4a Basic plan document number \_\_\_\_\_

b Adoption agreement number \_\_\_\_\_

5 This plan is: ☐ Word-for-word identical to a M&P plan or Volume Submitter plan

☐ A minor modification to a M&P plan only (see instructions to Line 5 for specific requirements)

6 Name of mass submitter \_\_\_\_\_

7 Enter the following information for the mass submitter's plan on which this plan is based (if this application is submitted simultaneously with the mass submitter's application, see instructions).

File folder number \_\_\_\_\_

Letter serial number \_\_\_\_\_

Date of Letter \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

8 Type of plan:

☐ Money Purchase ☐ Target Benefit ☐ Profit Sharing/401(k) ☐ Profit Sharing ☐ Defined Benefit

9 Filing status of plan (see General Instructions)

☐ Standardized plan ☐ Nonstandardized plan ☐ Volume Submitter

## General Instructions

Use Attachment II to apply for approval of a plan submitted by a mass submitter on behalf of an adopting sponsor or practitioner, which is based on a plan submitted by the mass submitter.

### Instructions

Be sure to submit a complete and accurate application. Complete every applicable line on the application. If your application is not complete, we will return it without processing it. The application must be typed.

**User fee.** All applications must be accompanied by the appropriate user fee from the schedule set forth in Rev. Proc. 2005-8, 2005-1 I.R.B. 243, and Form 8717, User Fee for Employee Plan Determination, Opinion and Advisory Letter Request. Applications submitted without the proper user fee will not be processed and will be returned to the applicant.

Do not submit a copy of the plan, except as provided under Line 5.

### Who May File

Only mass submitters may file Attachment II

### Where To File

Send applications for opinion and advisory letters to:

Internal Revenue Service  
P.O. Box 2508; Room 5106  
Cincinnati, OH 45201

Add "Attn: M&P Coordinator" in the case of an application for an opinion letter, and "Attn: VS Coordinator" in the case of an application for an advisory letter.

For both types of applications a request shipped by Express Mail or delivery service should be sent to the attention of the VS Coordinator or the M&P Coordinator (whichever is applicable) to:

Internal Revenue Service  
550 Main Street; Room 5106  
P.O. Box 2508  
Cincinnati, OH 45202

**Signature.** The application must be signed by the mass submitter and sponsor or practitioner. If a power of attorney authorizes the mass submitter to sign on behalf of the sponsor or practitioner, attach the power of attorney.

**Disclosure requested by taxpayer.** A taxpayer may request the Service to disclose and discuss the return or return information with any person or persons whom the taxpayer designates in a written request. If you want to designate a person(s) to assist in an application for approval, you must provide the IRS office of jurisdiction with a written request that contains:

- The taxpayer's name, address, employer identification number, and plan number(s).
- The name, address, social security number, and telephone number(s) of the person or persons whom you are authorizing to receive return information.
- A paragraph that clearly describes the return or return information that you authorize the IRS to disclose.
- An authorized signature (see **Signature** above).

As an alternative to providing the above statement, **Form 2848**, Power of Attorney and Declaration of Representative, may be submitted.

### Definitions

**Mass submitter.** As set forth in Rev. Proc. 2005-16, 2005-10 I.R.B. 674, any entity that submits applications on behalf of at least 30 unaffiliated sponsors or practitioners each of which is sponsoring, on a word-for-word identical basis, the same basic plan document and one or more of the adoption agreements associated with that basic plan document. For a mass submitter of an M&P, once the mass submitter has submitted applications on behalf of 30 unaffiliated sponsors with respect to any basic plan document, it will be treated as a mass submitter with respect to all the other basic plan documents and associated adoption agreements for which it requests opinion letters, regardless of the number of identical adopters of such other plans.

A mass submitter of a VS plan will be treated as such with respect to each specimen plan for which the 30

unaffiliated practitioner requirement is met. Notwithstanding the above for an M&P plan, any entity that received a favorable TRA '86 opinion letter for a plan as a mass submitter under Rev. Proc. 89-9, 1989-1 C.B. 780, will continue to be treated as a mass submitter if it submits applications on behalf of at least 10 sponsors (regardless of affiliation) each of which is sponsoring, on a word-for-word identical basis, the same basic plan document and one or more of the adoption agreements associated with that basic plan document. Once the mass submitter has submitted applications on behalf of 10 sponsors with respect to any basic plan document, it will be treated as a mass submitter with respect to all the other basic plan documents and associated adoption agreements for which it requests opinion letters, regardless of the number of identical adopters of such other plans.

**Sponsor.** Any person that has an established place of business in the United States where it is accessible during every business day and represents to the Service that it has at least 30 employer-clients each of which is reasonably expected to adopt the sponsor's basic plan document and one or more of the adoption agreements associated with that basic plan document. Once a person represents to the Service that at least 30 employers are reasonably expected to adopt its basic plan document, it will be treated as a sponsor with respect to all the basic plan documents and associated adoption agreements for which it requests opinion letters, regardless of the number of employers that are expected to adopt such other plans.

Notwithstanding the above, any person that has an established place of business in the United States where it is accessible during every business day and is a word-for-word identical adopter of an M&P, or minor modifier adopter of an M&P plan of a mass submitter will be treated as a sponsor with respect to such plan, regardless of the number of employers that are expected to adopt such plan.

### Practitioner

Any person that has an established place of business in the United States where it is accessible during every business day and represents to the Service that it has at least 30

employer-clients each of which is reasonably expected to adopt a plan that is substantially similar to the VS practitioner's specimen plan.

The required number of employer-clients is reduced to 10 for a money purchase pension specimen plan in the case of a VS practitioner that has specimen plans for two or more separate categories of plans (profit sharing, money purchase, target benefit, defined benefit), one of which is a money purchase plan, and the 30 employer-clients requirement has been satisfied with respect to the other specimen plan.

A VS practitioner may submit any number of specimen plans for advisory letters provided that the 30 employer-clients requirement (or 10, if applicable) is separately satisfied with respect to each specimen plan. Notwithstanding the above, any person that has an established place of business in the United States where it is accessible during every business day may sponsor a specimen plan as a word-for-word identical adopter of a specimen plan of a VS mass submitter, regardless of the number of employers that are expected to adopt the plan.

A VS practitioner is also a practitioner that has either (a) 30 or more adopting employers in each of 30 or more states or (b) 3000 or more adopting employers. The determination as to whether there are 3000 or more adopting employers or 30 or more adopting employers in each of 30 or more states may be made on any one date during the 12 month period ending on April 18, 2005. For this purpose, an adopting employer is any employer that has adopted any plan of the practitioner that has a GUST advisory letter.

## Specific Instructions

**Line 2a.** Enter the name and address of the plan sponsor or practitioner. If the Post Office does not deliver mail to the street address and the sponsor has a P.O. box number, show the box number instead of the street address.

**Line 3a.** The person to contact must be an employee or an authorized representative of the mass submitter. If the person to be contacted is other than an employee of the applicant, please enclose an authorized power of

attorney. See **Disclosure requested by taxpayer**

**Line 4a.** Enter the two-digit basic plan document number you have assigned to the basic plan document that accompanies (if applicable) the adoption agreement for which you are requesting approval. All basic plan documents from one sponsor or practitioner that are the same (word-for-word) should use the same two-digit number on all applications. The first basic plan document submitted should be numbered "01," the second, "02," etc.

**Line 4b.** Enter the three-digit number you have assigned to the adoption agreement, if applicable, for which this application is submitted.

In the case of an M&P submission, each different adoption agreement designed to accompany a single basic plan document should be given a different three-digit number beginning with "001." Adoption agreements submitted with the second or any subsequent basic plan documents (that are not word-for-word identical to a previously submitted basic plan document) should be similarly numbered beginning with "001."

In the case of a VS submission, each adoption agreement must be accompanied by its own separate plan document, except for a VS plan with or without a section 401(k) arrangement.

**Line 5.** In the case of an M&P sponsor adopting a word-for-word identical plan (including a flexible plan) to a plan of the M&P mass submitter, or a VS practitioner adopting a word-for-word identical plan of a VS mass submitter, a copy of the plan does not have to be submitted. With respect to the sponsor of an M&P plan of a mass submitter, if the plan is a minor modification, the M&P mass submitter should submit lines 1 through 3b of Form 4461-B and all of Attachment II, typed as a "placeholder". When the lead plan is approved, submit a copy of the mass submitter plan with the minor modifications underlined in red, or otherwise highlighted, as well as a statement indicating the location and effect of each change.

**Line 7.** If this application is based on an application submitted by a mass submitter and simultaneously filed with the mass submitter's application, or

filed before the information under line 7 is available, enter in the brackets designated for the file folder number the plan document number and the plan number of the mass submitter's plan on which this plan is based. Do not complete the rest of line 7.